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Attorneys for Defendants
CITY OF SUNNYVALE,
CHRIS SEARLE and DARREN PANG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

ERIKA CANAS, JOSE CANAS, a minor, by
and through his guardian ad litem, and JESUS
CANAS, by and through his guardian ad litem,

Plaintiffs,

vs.

CITY OF SUNNYVALE, CHRIS SEARLE,
DARREN PANG and DOES ONE through
TWENTY-FIVE,

Defendants.

Case No.: C08-05771 JF

**STIPULATION AND ~~PROPOSED~~ ORDER
TO CONTINUE MOTION TO DISMISS
PLAINTIFF'S THIRD AMENDED
COMPLAINT AND CASE MANAGEMENT
CONFERENCE**

IT IS HEREBY STIPULATED by the parties hereto, through their respective undersigned attorneys of record, that the date for completion of the Early Neutral Evaluation (hereinafter "ENE") be continued to February 19th 2010. An initial ENE session was held on October 6. The parties and evaluator agreed the parties should exchange further discovery and hold a second session on November 20, 2009 which date had to be continued because of a scheduling conflict. The Defendant City has provided extensive information and documents to both the ENE evaluator and counsel for the plaintiffs. The parties have agreed to a second day of ENE on February 11 and respectfully request that the time for ENE be continued to February 19, 2010 to allow completion of the ENE process.

IT IS FURTHER STIPULATED that defendants' Motion to Dismiss plaintiff's Third Amended Complaint and a further Case Management Conference, both currently set for January 15,

1 2010 at 9:00 a.m., be continued to Friday March 12, 2010 to allow time for the completion of the
2 ENE process. As the ENE may dispose of the case, the parties respectfully request that the court
3 continue the defendants' Motion to Dismiss Plaintiff's Third Amended Complaint and the Case
4 Management Conference to March 12, 2010. The parties further request court approval of the
5 following schedule.

6 Plaintiffs' opposition brief to the motion to dismiss shall be filed and served on or before
7 Friday, February 19, 2010.

8 Defendant's reply brief to be filed and served on or before Friday February 26, 2010.

9 A joint case management conference statement and Rule 26 Disclosures to be completed and
10 the joint cmc statement filed on or before Friday march 5, 2010.

11 Dated: December 23, 2009

BERTRAND, FOX & ELLIOT

12
13 By: _____/s/

14 Gregory M. Fox
15 Attorneys for Defendants
16 CITY OF SUNNYVALE, CHRIS SEARLE and
DARREN PANG

17 Dated: December 22, 2009

ROBERTS & ELLIOT LLP

18
19 By: _____/s/

20 James Roberts, Esq.
21 Sharmi Shah, Esq.
22 Attorneys for Plaintiffs
ERIKA CANAS, JOSE CANAS, and JESUS CANAS

23 **ATTORNEY ATTESTATION**

24 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
25 conformed signature ("s/") within this E-filed document.

26 Dated: December 23, 2009

_____/s/
Gregory M. Fox

ORDER

Good cause appearing,

Defendants' Motion to Dismiss Plaintiff's Third Amended Complaint and the Case Management Conference are continued to 900 am on March 12, 2010.

Plaintiffs' opposition brief to the motion to dismiss shall be filed and served on or before Friday, February 19, 2010.

Defendants' reply brief to be filed and served on or before Friday February 26, 2010.

A joint case management conference statement and Rule 26 Disclosures to be completed and the joint cmc statement filed on or before Friday March 5, 2010.

THE STIPULATION IS SO ORDERED.

Dated: 1/4/2010, 2009



Honorable Jeremy Fogel
UNITED STATES DISTRICT COURT JUDGE